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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,616	10/14/2003	Steven I. Carlson	AWS862.US; CING-127	5092

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AT&T Legal Department - Moazzam
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EXAMINER	
MEHRPOUR, NAGHMEH	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,616	CARLSON, STEVEN I.	
	Examiner	Art Unit	
	MELODY MEHRPOUR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,6,10,11,15,16,18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 5, 10, 11, 15, 16, 18, 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/09 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 5, 6, 10, 11, 15, 16, 18, 20,** are rejected under 35 USC 103(a) as being unpatentable over Contractor et al. (2002/0085687) and Saha in view of Park (U.S. Patent No. 6,434,126).

Regarding claims 1, 6, 11, 16, Cantractor teaches a method of providing location

information of a wireless device/network through a voice announcement comprising:

obtaining location information for a caller having a first wireless device from a Gateway Mobile Location Center during establishment of a call to a called party having a second wireless device (0009);

providing the location information to an intelligent peripheral (0029);

wherein the intelligent peripheral converts the location information to voice information

obtaining name information for the caller from a name database (0028, 0031),

wherein the name database relates wireless device information to name information;

providing the name information to the intelligent peripheral (0009, 0028, 0031, 0037),

wherein the intelligent peripheral converts the name information to voice information (0028, 0037);

connecting the intelligent peripheral to the second wireless device through a voice (0028, 0034, 0036, 0038, 0045) connection anno the voice information from the intelligent peripheral to the party second wireless device; and between connecting the called party to a calling party (0036, 0038, 0045); and

connecting the intelligent peripheral to the called party through a voice connection (0028);

the IP announcing the voice information over the connection between the called party and the IP (0028);

converts alphanumerical textual data to speech and announces converted information retrieved from SCP to subscriber station(0028); and

announcing the voice information from the intelligent peripheral to the called party (0009, 0028); when the called party answers the telephone, the service provides an audible announcement containing information regarding the calling party such as the calling party's name, city and state); and forming a connection between the called party and the calling party (0009, 0028); if the called party accepts the call, the parties are connected). Contractor et al. teaches providing the location information to an intelligent peripheral (IP) and the IP converting the location information to the voice information (0028), but does not teach obtaining the location information from a Gateway Mobile Location Center (GMLC). However. Saha et al. teaches obtaining the location information from a Gateway Mobile Location Center (GMLC) (Figure 2). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Contractor et al. with the teaching of Saha et al. of obtaining the location information from a Gateway Mobile Location Center (GMLC) to provide an efficient method of determining the location of a mobile station (Column 2, Lines 39-40).

Regarding claim 18, 20, Contractor inherently teaches a network element comprising: a processor ; and at least one port; and logic that, when applied to the processor, results in the network element becoming involved in the establishment of a call, obtaining via the at least one port location information for a caller Location Center that provides location information, obtaining via the at least one port name information for a caller from a database relating wireless device information to name information (0031,

0042, 0043), and providing via the at least one port the location information and name information to a network element that creates a voice announcement of the caller's location and name (0037, 0047, 0048) and delivers the voice announcement to a called wireless device over a voice connection between the network element and the called wireless device (0046, 0048, 0049). Converts alphanumerical textual data to speech and announces converted information retrieved from SCP to subscriber station (0028, 0036); and

announcing the voice information from the intelligent peripheral to the called party (0009, 0028); when the called party answers the telephone, the service provides an audible announcement containing information regarding the calling party such as the calling party's name, city and state); and forming a connection between the called party and the calling party (0009, 0028); if the called party accepts the call, the parties are connected). Contractor et al. teaches providing the location information to an intelligent peripheral (IP) and the IP converting the location information to the voice information (0028), but does not teach obtaining the location information from a Gateway Mobile Location Center (GMLC). However. Saha et al. teaches obtaining the location information from a Gateway Mobile Location Center (GMLC) (Figure 2). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Contractor et al. with the teaching of Saha et al. of obtaining the location information from a Gateway Mobile Location Center (GMLC) to provide an efficient method of determining the location of a mobile station (Column 2, Lines 39-40).

3. **Claims 5, 10, 15,** are rejected under 35 USC 103(a) as being unpatentable over Contractor et al. (US Publication 2002/0085687) and Saha in view of Park (U.S. Patent No. 6,434,126).

Regarding claims 5, 15, Contractor et al. teaches the limitations off claim 5, and claim 15 but does not teach obtaining the name information using Calling Name Address Presentation (CNAP). Park teaches obtaining the name information using Calling Name Address Presentation (CNAP) (Column 1, Lines 32-38). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Contractor et al. modified by Saha with the teaching of Park of obtaining the name information using Calling Name Address Presentation (CNAP) to provide identification without having to view the display (Column 1, Lines 40-46).

Referring to claim 10, Contractor modified by Saha et al. teaches the limitations of claim 10, but does not teach obtaining the name information using Calling Name Address Presentation (CNAP). Park teaches obtaining the name information using Calling Name Address Presentation (CNAP) (Column 1, Lines 32-38). Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Contractor et al. modified by Saha with the teaching of Park of obtaining the name information using Calling Name Address Presentation

(CNAP) to provide identification without having to view the display (Column 1, Lines 40-46).

Response to Arguments

4. Applicant's arguments filed 8/18/09 have been fully considered but they are not persuasive.

In response to the applicant's argument's *Contractor discloses a system wholly limited to the caller ID system used in landline telephones (Contractor, [0006]). Contractor does not provide for any of the necessary structure or methods to determine the location of a caller. At most, Contractor discloses an announcement containing a calling party's information from a database (Contractor, Paragraph [0009]). Contractor does not disclose any way of providing for the location of a caller, much less providing for this in real time. While paragraph [0009] of Contractor mentions city and state, there is no way to gather this information from any type of mobile device. Meanwhile, Saha discloses a location system which is much more complex than the legacy caller ID. Saha discloses determining the location of a device within a network (Saha,Column 2, Lines 38-40). The connections and steps provided for in the independent claim are not present in Saha. Saha does not even mention any type of audible information. Therefore, necessary structure lacking in the references to provide for this audible information cannot be found in Saha. For at least this reason, the rejection should be withdrawn.*

The Examiner asserts that Contractor discloses the SCP attempts to retrieve information contained in a CNAM (Customer Name) database 124 associated with SCP 118. Database 124 may contain 50 characters of data or more associated with telephone station 110. If, at step 326, the retrieval is successful (information associated with the telephone number of the calling party 110 is found in database 124), SCP 118 sends the retrieved information to SN 134 at step 330.

At step 332, SCP 118 instructs SSP 116 to complete the call. SSP 116 instructs SN 134 to make the call. SN 134 makes an outgoing call, preferably on line **(215) 555-0002 to subscriber station 112. SCP 118 may query Home Location Register (HLR) to determine called party status, if the called party is a wireless**

number. In Addition Contractor in the background mentioned that calling Number Identification and "Caller ID" are common names for AIN subscriber services that identify the telephone line from which an incoming call originates. Generally, Caller ID provides the called party with a visual alphanumeric display of the calling party's name and/or telephone number on a Caller Line Identity Display (CLID). This service has become very popular in today's telecommunications market due to subscribers' desire for increased privacy and control. By providing the called party with the identity of the calling party upon receipt of an incoming call, the called party can selectively field incoming calls. Typically, mobile phone users pay for mobile phone usage including incoming calls. Hence, mobile phone users are likely to subscribe to Caller ID services, such as calling number ID and caller name ID to screen incoming calls, if such a service is available. Mobile phone users who subscribe to Caller ID may find it difficult to read the visual calling name/number data on the cellular phone display, especially while involved in other activities, such as driving. Hence, it is helpful for mobile phone users to receive Caller ID information audibly, rather than visually, so as not to be distracted from other activities. Traditional wired telephone users as well may find it useful to have an audio caller identification service. Persons who have vision difficulties or who have to keep their eyes on what they are doing may find an audio caller identification system extremely helpful. Additionally, a customer with a cordless phone or several handsets may find it inconvenient to go to the location of a CLID, which may be in another room, to see who is calling. Such users may find it more convenient to receive Caller ID information audibly at the telephone handset. To

accommodate mobile phone users and to address the limitations of visual Caller ID services, there have been proposed systems for audio Caller ID. Existing audio Caller ID systems, however, are limited by relying on technology used by visual Caller ID systems. Visual Caller ID information is limited by the display characteristics of the CLID to characters in length, which is sometimes insufficient to completely and uniquely identify the calling party. Hence, existing audio Caller ID systems, relying on existing visual Caller ID technology, are similarly limited to 15 characters of Information, resulting in frequent truncation of names. It would be a great advantage, therefore, if an audio Caller ID system provided more than 15 characters of information to be converted to speech so that names or other data would not be truncated, allowing a calling party to be completely and uniquely identified. Additionally, in existing audio Caller ID services, for those subscribing to both visual Caller ID and Audio Caller ID, the calling number information displayed on the CLID is incorrect. Rather than displaying the number from which the call was placed, the CLID displays the number of the services node used to complete the call. It would be a great advantage if the correct information would be displayed on the CLID for those who subscribe to both visual and audio Caller ID.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Contractor et al. teaches providing the location information to an intelligent peripheral (IP) and the IP converting the location information to the voice information (0028), but does not teach obtaining the location information from a Gateway Mobile Location Center (GMLC). However. Saha et al. teaches obtaining the location information from a Gateway Mobile Location Center (GMLC) (Figure 2). Therefore, by combing the teaching of Contractor et al. with the teaching of Saha et al. obtaining the location information from a Gateway Mobile Location Center (GMLC) to provide an efficient method of determining the location of a mobile station (Column 2, Lines 39-40).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that " With respect to claims 1, 6, 16, 18, and 20, there is nothing in Contractor,. Furthermore there is no articulable rationale to support the legal conclusion of obviousness. Contractor does not provide for any of the necessary structure or methods to determine the location of a caller." the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Contractor et al. teaches the limitations off claim 5, and claim 15 but does not teach obtaining the name information using Calling Name Address Presentation (CNAP). Park teaches obtaining the name information using Calling Name Address Presentation (CNAP) (Column 1, Lines 32-38). Therefore, by combing the teaching of Contractor et al. modified by Saha with the teaching of Park obtaining the name information using Calling Name Address

Presentation (CNAP) to provide identification without having to view the display (Column 1, Lines 40-46).

Conclusion

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

August 24, 2009